

Amendment and Response Under 37 C.F.R. 1.116

Applicant: Robert F. Sheppard

Serial No.: 10/763,072

Filed: January 21, 2004

Docket No.: 200901410-1

Title: MANAGING INFORMATION TECHNOLOGY (IT) INFRASTRUCTURE OF AN ENTERPRISE USING A CENTRALIZED LOGISTICS AND MANAGEMENT (CLAM) TOOL

REMARKS

The following remarks are made in response to the Final Office Action dated July 21, 2011. Claims 1-14 and 16-30 were rejected. With this Amendment/Reply, claims 1 and 17 have been amended. Claims 1-14 and 16-30 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-9, 11, 16-25, and 27 under 35 U.S.C. § 103(a) as being unpatentable over Gullotta et al. United States Patent 6,985,955 (“Gullotta”) in view of Suorsa et al. United States Patent Application Publication No. 2002/0194584 (“Suorsa”).

The Examiner rejected claims 10, 12-14, 26, and 28-30 under 35 U.S.C. § 103(a) as being unpatentable over Gullotta et al. United States Patent 6,985,955 in view of Suorsa et al. United States Patent Application Publication No. 2002/0194584, and further in view of Mir United States Patent 6,938,081.

Gullotta is directed to a method for provisioning users with resources. The method includes the steps of establishing a set of attributes, organizational information, and user roles and defining a plurality of resource provisioning policies based on selected attributes, organizational information, and user roles. The method also includes the steps of receiving attribute information and user role information for a particular user or resource, determining which resource provisioning policies are applicable to the user based on the received user role information, organizational information, and attribute information, seeking additional information or authorizations from third parties in accordance with the applicable resource provisioning policies, and provisioning the user with the resources specified by the applicable resource provisioning policies if all necessary additional information or authorizations have been received from the third parties.

In the Final Office Action dated July 21, 2011 at page 4, the Examiner admits that Gullotta does not disclose in a modeling phase, model a change in the first items of IT infrastructure assigned to the first employees of the enterprise, and model a change in the second

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items of IT infrastructure assigned to the second employees of the enterprise. Applicant agrees with the Examiner.

Applicant submits that Gullotta fails to teach or suggest in a modeling phase: model the acceptability of a first proposed environment of each of the first employees assigned the first role, the first proposed environment including the first items of IT infrastructure assigned to the first role, and model the acceptability of a second proposed environment of each of the second employees assigned the second role, the second proposed environment including the second items of IT infrastructure assigned to the second role, as recited in amended independent claim 1, and as recited in a variant thereof in amended independent claim 17. In contrast, in Gullotta, the policy engine is for executing policies that associate users with services. The policy engine functions to determine whether provisioning requests conform to policies and it provides correct recovery procedures in the event a policy is violated. The policy engine does not model a proposed environment of each of the employees assigned to a role as required by amended independent claims 1 and 17.

In the Final Office Action dated July 21, 2011 at page 4, the Examiner further relies on Suorsa in the obviousness rejection under 35 U.S.C. § 103(a). Suorsa is directed to a framework for automatically provisioning computing devices. The framework includes a central database system and a central file system. Information stored in the database comprises a model of the individual devices, as well as the interconnections of the devices. The central file system stores the software components to be installed on the devices. When provisioning is carried out, the database sends commands to agents located on each device which cause them to retrieve and install the software components from the file system, and to configure the components according to the stored model.

Suorsa fails to teach or suggest in a modeling phase: model the acceptability of a first proposed environment of each of the first employees assigned the first role, the first proposed environment including the first items of IT infrastructure assigned to the first role, and model the acceptability of a second proposed environment of each of the second employees assigned the second role, the second proposed environment including the second items of IT infrastructure

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assigned to the second role, as recited in amended independent claim 1, and as recited in a variant thereof in amended independent claim 17. In contrast, in Suorsa, the model in the database is a model of individual devices and the interconnections of the devices. In provisioning, the database sends commands to agents located on each device, which cause the agents to retrieve and install software components from a file system and to configure the components according to the model in the database. The model in the database is for provisioning software on hardware in a network and not for modeling a proposed environment of each of the employees assigned to a role as required by amended independent claims 1 and 17.

Gullotta and Suorsa, alone or in combination, do not teach or suggest, a modeling phase: model the acceptability of a first proposed environment of each of the first employees assigned the first role, the first proposed environment including the first items of IT infrastructure assigned to the first role, and model the acceptability of a second proposed environment of each of the second employees assigned the second role, the second proposed environment including the second items of IT infrastructure assigned to the second role, as recited in amended independent claim 1, and as recited in a variant thereof in amended independent claim 17.

In combining references under 35 U.S.C. § 103, the Examiner must recognize and consider not only the similarities, but also the critical differences between the claimed invention and the prior art as one of the factual inquiries pertinent to any obviousness inquiry under 35 U.S.C. § 103. *In re Bond*, 910 F.2d 831, 834 [15 USPQ2d 1566, 1568] (Fed. Cir. 1990) (emphasis added). Furthermore, the Examiner must avoid hindsight. *Id.* “A fact finder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon *ex post* reasoning.” *KSR*, 127 S. Ct. at 1739 [82 USPQ2d at 1397] (citing to *Graham v. John Deere*, 383 U.S. 1 [148 USPQ 459] (1966) in warning against a temptation to read into the prior art the teachings of the invention at issue and instructing courts to guard against slipping into the use of hindsight). In addition, “when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be

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nonobvious.” *KSR*, 127 S. Ct. at 1737 [82 USPQ2d at 1395] (citing to *United States v. Adams*, 383 U.S. 39, 51-52 [148 USPQ 479] (1966).

In the combination of Gullotta and Suorsa, Gullotta teaches away from role-based systems. Gullotta teaches that, in preferred embodiments, the system provisions users with resources based on policies. These policies are written based on roles and attributes and because attributes can be used in addition to roles to define a policy, the task of defining the relationship to users is made more efficient. Using an example, Gullotta teaches that policy-based systems are more efficient such that fewer policies are evaluated, saving memory space and determining resources more quickly. See Gullotta at column 18, line 19 - column 19, line 42.

In view of the above, Applicant submits that all features of amended independent claim 1 and all features of amended independent claim 17 are not taught or suggested by Gullotta and Suorsa, alone or in combination. Applicant respectfully requests that the above rejections under 35 U.S.C. § 103 be withdrawn and amended independent claims 1 and 17 be allowed.

As dependent claims 2-14 and 16 further define patentably distinct amended independent claim 1, and dependent claims 18-30 further define patentably distinct amended independent claim 17, these dependent claims are also believed to be allowable over the art of record. Therefore, Applicant respectfully requests that the above rejections to the dependent claims be withdrawn and these claims be allowed.

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CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-14 and 16-30 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-14 and 16-30 is respectfully requested.

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005.

Respectfully submitted,

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